

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vignia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,546	01/23/2001	Pradeep K. Subrahmanyan	S01.12-0644	3008
7.	590 06/30/2003			
Westman Champlin & Kelly 900 Second Avenue South Suite 1600 International Centre			EXAMINER	
			SNIEZEK, ANDREW L	
Minneapolis, MN 55402-3319		•	ART UNIT	
			2651	ż۸
			DATE MAILED: 06/30/2003	10

Please find below and/or attached an Office communication concerning this application or proceeding.

no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILLED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension en have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension en under 37 CFR 1.17(a) ica clausted from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely likely may be any example and the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely likely may be a set forth in the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2		Application No.	Applicant(s)					
Examiner	Advisory Action	09/767,546	SUBRAHMANYAN,	PRADEEP K.				
-The MAILING DATE of this communication appears on the cover sheet with the correspondence address — THE REPLY FILED 16 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, turther action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compilance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b)] a) The period for reply expires	, , , , , , , , , , , , , , , , , , , ,	Examiner	Art Unit					
THE REPLY FILED 16 June 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.13 may only be either: (1) at timely filed amendment which places the application in condition for allowance, (2) a timely filed amendment which places the application in condition for allowance, (2) a timely filed amendment which places the application in condition for allowance, (2) a timely filed amendment which places the application in condition for allowance, (2) a timely filed amendment which places the application in condition for allowance, (2) a timely filed amendment which places the application in condition for the period for reply expires		Andrew L. Sniezek	2651					
Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inian rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in zondition for allowance; (2) a timely filed Motice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. PERIOD FOR REPLY (check either a) or b) The period for reply expiresmonths from the mailing date of the final rejection. DIA The period for reply expires on: (1) the mailing date of the final rejection. ONLY OFICKEN THIS BOX WHEN THE FIRST REPLY WAS FLOW MONTHS From the mailing date of the final rejection. ONLY OFICKEN THIS BOX WHEN THE FIRST REPLY WAS FLEW WAS FLEW WAS FIRST REPLY WAS FLEW WAS FROM FIRST REPLY WAS FLEW WAS FLEW WAS FLEW WAS FROM FIRST REPLY WAS FLEW WAS FLEW WAS FLEW WAS FLEW WAS FLEW FLEW WAS FLEW FLEW FLEW FLEW FLEW FLEW FLEW FLEW	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
a) The period for reply expiresmonths from the mailing date of the final rejection, whichever is later. In no event, however, with the statutory period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, with the statutory period for reply expire tater han SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS DOX WHEN THE FIRST REFLY WAS FILE WHINT TWO MONTHS OF THE FIRAL REJECTION. See MPEP Extensions of time may be obtained under 37 CFR 1.13(s) as Industried from: (1) the separation date of the period of extensions and the corresponding amount of the fee. The appropriate extension en have been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension en under 37 CFR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in fail Office action; or 2) as set forth in (1) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely little, may reduce any earned patient them adjustment. See 37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they raise the issue of new matter (see Note below); (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3 Applicant's reply has overcome the following rejection(s): 4 Newly proposed or amended claim(s) 3.5 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5 The aj affidavit, b) explication in condition for allowance	Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a inal rejection under 37 CFR 1.113 may <u>only</u> be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued							
the period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date sat forth in the final rejection. No nevent, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. OnLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILEO WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.132(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 23 as set forth in (5) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely reject any reduce any earned patent term adjustment. See 37 CFR 1.704(b). 1	PERIOD FOR REPLY [check either a) or b)]							
37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. ☐ The proposed amendment(s) will not be entered because: (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: 3. ☐ Applicant's reply has overcome the following rejection(s): 4. ☐ Newly proposed or amended claim(s) 35 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Andrew L. Sniezek	b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension see have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension see under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or 2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely							
(a)								
(b)	2. The proposed amendment(s) will not be entered because:							
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims. NOTE:	(a) they raise new issues that would require further consideration and/or search (see NOTE below);							
issues for appeal; and/or (d)	(b) they raise the issue of new matter (see Note below);							
NOTE: 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) 35 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 7. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 8. The proposed drawing correction filed on is a) approved or b) Andrew L. Sniezek								
4. Newly proposed or amended claim(s) 35 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s). 5. □ The a) □ affidavit, b) □ exhibit, or c) □ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. □ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. □ For purposes of Appeal, the proposed amendment(s) a) □ will not be entered or b) □ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: □ . Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: □ . 8. □ The proposed drawing correction filed on □ is a) □ approved or b) □ disapproved by the Examiner. 9. □ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). □ . Andrew L. Sniezek								
canceling the non-allowable claim(s). The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Andrew L. Sniezek	3. Applicant's reply has overcome the following reject	tion(s):						
application in condition for allowance because: See Continuation Sheet. 6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection. 7. ☑ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☑ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. ☐ The proposed drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner. 9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Andrew L. Sniezek	4. Newly proposed or amended claim(s) 35 would be allowable if submitted in a separate, timely filed amendment							
raised by the Examiner in the final rejection. 7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) Andrew L. Sniezek								
explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) IO Other:	_	ause it is not directed SOLELY t	o issues which were	e newly				
Claim(s) allowed: 35. Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)		i(s) a) will not be entered or bould be rejected is provided belo)⊠ will be entered a w or appended.	and an				
Claim(s) objected to: Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other:	The status of the claim(s) is (or will be) as follows:							
Claim(s) rejected: 1-34 and 36. Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: Andrew L. Sniezek	Claim(s) allowed: 35.							
Claim(s) withdrawn from consideration: 8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: Andrew L. Sniezek	Claim(s) objected to:							
8. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner. 9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: Andrew L. Sniezek	Claim(s) rejected: 1-34 and 36.							
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s) 10. Other: Andrew L. Sniezek	Claim(s) withdrawn from consideration:							
Other: Andrew L. Sniezek	. The proposed drawing correction filed on is a) approved or b) disapproved by the Examiner.							
Cindu I high Andrew L. Sniezek	9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)							
	10. Other:		and I had	_				
Art Unit: 2651			Primary Examiner					



Continuation of 5. does NOT place the application in condition for allowance because: applicant states the specification states that an "adaptive controller adapts its controller parameters in real time" and that the references do not teach a controller block with an additional input for parameters for use by the controller itself in real time. The claims do not set forth an "adaptive controller" as stated, only an apparatus that adaptively generates. The controller as used in the prior art does operate in real time. The examiner does not see any where in the references that they do not operate in real time or are directed to non-adaptive controllers as stated by applicant. Also, the argument directed to an "additional input" can not be reconciled with the claims..